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The Usurpations of the Federal Government

THE DANGERS OF CENTRALIZATION.

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SPEECH

OF

HON. ROBERT C. HUTCHINGS

OF NEW YORK,

ON THE GOVERNOR'S ANNUAL MESSAGE,

DELIVERED IN THE HOUSE OF ASSEMBLY OF THE STATE OF NEW YORK,

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SPEECH.

The House being in Committee of the Whole on the annual Message of the Governor, Mr. HUTCHINGS obtained the floor, and said:

Mr. CHAIRMAN—I solicit the attention of the members of the Committee to the views which I desire to present, upon the Federal and State relations as treated of in the Message of his Excellency the Governor. I solicit their respectful attention for the reason that I am aware that my views will not be in consonance with those entertained by the Republican members, who constitute an equality of this house, and I am not certain that they will receive the approval of all of my political colleagues. But however you may differ with me, award me the credit of expressing views which are based upon the honest convictions of my judgment and conscience. We have, as it has been expressed, passed the military, and we are now approaching the intellectual epoch of the revolution. The time is near when men will be permitted to investigate its causes and to present their opinions upon the policy of the administration without being charged with treason, and called by the vilest names which party malignity can conceive. I trust that the day is not distant when the standard of patriotism will not be the changing and imbecile policy of the administration, but the ancient standard—obedience to the mandates of the Constitution and laws, based upon the Constitution, by both the North and South. And when that day arrives, men will be permitted to exclaim in the words which the venerable and politic Cardinal of France uttered to his youthful and impetuous page: "Take away the sword, States can be saved without it!" To those, and there are some in this house, who will not award me the credit of honesty of conviction, and who denounce all those who differ with them as to the policy of the war, for disloyalty and sedition, I would address the words of Charles Fox, the great parliamentary orator of England, when his country was involved in a war with France, and to the policy of which he was opposed: "Say at once that a free Constitution is no longer suitable to us; say at once, in a manner, that upon an ample review of the state of the world, a free Constitution is not fit for you; conduct yourselves at once as the Senators of Denmark; lay down your freedom, and acknowledge and accept of despotism. But do not shock the understandings and feelings of mankind by telling the world that you are free,—by telling me that if, for the purpose of expressing my sense of the public administration of this country, of the calamities which this war has occasioned, I state a grievance, or make any declaration of my sentiments in a manner that may be thought seditions, I am to be subjected to penalties hitherto unknown to the law. Did ever a free people meet so? Did ever a free state exist so?" The day must come—I believe it to be very near—when we must surrender our partisan prejudices, and investigate in the coolness of reason, and in the calmness of peace, the causes of this war, and the remedies for its consequent disasters—when we must decide upon the nature of the polity under which we are to live as a people, whether it shall be one, based as our fathers made it, upon local sovereignty, or of a centralized and consolidated form.

I purpose, sir, to trace the causes of the revolution of which this country is now the scenic theatre, and to state to what principles of government those who now shape the policy, and guide the destinies of the country must return, if they desire a restoration or even a reconstruction of the Union, and an honorable peace. I intend moreover to speak of this revolution in the full estimation of its proportions. It has been too long the standard of "loyalty" to under-estimate it, and to speak confidently of its certain and speedy overthrow.

THIS IS A REVOLUTION.

The time is appropriate for reason. At the commencement of this revolution, for that which was called a rebellion at the outset, has since expanded into the proportions and reached the majesty of a revolution, grander and vaster than history records, reason was dethroned, and enthusiasm, which is based on unreason, ruled not only the fickle and unthinking multitude, but the councils of the legislators and administrators of the government, who should never be governed by enthusiasm or the clamors of the populace, but only by reason. This is a revolution—not a rebellion. The latter become revolutions when based upon a great popular belief of government, and when the ends reached for are new bases and forms of polities.

The rebellions of modern times are scarcely remembered by us in name, and their causes were too trivial to merit remembrance, for they were, as rebellions are, but the transient mutterings of dissat-

isfaction of a portion of the people—then, generally, the interposition of armed forced, a contest of short duration, and final quiet. But revolutions are based upon the great popular belief, whatever that belief may be, though it is generally just and triumphant, and which cannot be overcome *only* by legions of armed men and parks of artillery, but need the prudence, wisdom and skill of statesmanship.

This revolution will rank in history with those of 1688 of England, and 1789 of France, and will be known as that of the "Revolution of the States." Like those, it is alleged by its originators, to be founded upon a great popular principle of government, and in addition to that, upon constitutional and statutory assertions of government. The popular principle is the same—the general cause of all great revolutions—*opposition to centralization in government*, which the people of the South claimed had, under our system, become federal despotism, as under a monarchy it is regal despotism. I desire the overthrow of this revolution, and the restoration of the Union, but I do not desire the restoration of the mere forms of the Union, without its soul—I cannot support that policy of the administration, as evinced in its measures, which in their triumph, destroys all State sovereignty and personal rights at the North—which secures the social equality of the Negro and destroys the political freedom of the White race at the North as well as at the South. I am no apologist for the constitutional right of secession, but I must say, upon my honest convictions, that upon the triumph or failure of the policy of the administration, hinges not merely the destinies of the Southern States, but the fate of the Northern States and the future nature of the central government. In the success of its measures, unconstitutional, despotic and usurping, I behold the perpetual loss of "the Union as it was."

There is but one way by which the revolution can be overthrown, and the "Union as it was" restored, and that is by the triumph of the principle upon which the union of the States rests, and which is alleged to be also the principle upon which the revolution was originated.

It is the part of the patriotic and wise, who would overthrow this revolution, and who desire the restoration of the Union, and who would preserve the vital principle of that Union, and in the recognition of which in the past by the executive agents of the government in the persons of the long and illustrious line of Democratic Presidents was able to preserve it, and in the violation of which are embraced all those aggressions on sovereign and domestic rights which are alleged to be the cause of this war—by expression and action in the legislatures of the Northern States and in Congress, to guide this revolution in its further career, to assuage its fury, to cripple its march, and finally to conquer it, by the supremacy of the principle upon which it is based—the "Equality of the States." When the people of the North return to their ancient belief in this doctrine, they will conquer the revolution, and will restore the Union, and also preserve the sovereign rights of their respective States and their personal liberties.

To conquer the revolution in this way, for it can never be overcome only by the war measures of the imbecile administration of Abraham Lincoln, nor can the Union of old, made and existing by the "consent of the States," be restored in its life, however its form may be preserved, by the mere "coercion of arms," we must study the causes of the former and the nature of the latter. Partisans cannot study them if the shadow of a political platform is looming up before them. Only those who believe that party creed is subordinate to country, and are governed more by fealty to the Constitution than mere blind consistency to political ritual, and servile approval of federal usurpation are capable and worthy of this great work.

It has for the last two years been considered an evidence of patriotism to be the loudest mouthed in denunciation of the action of the Southern States. Let us however see if the Northern States have not been partially guilty in originating this revolution, by direct and open violation of, or by their omission to execute the mandates of the Constitution.

THE ORGANIZATION OF THE REPUBLICAN PARTY WAS A CRIME AGAINST THE STATES

The organization of the Republican party, and the spirit with which it was, and is still imbued, and which existed long before its formal birth, was one of the causes—was the great cause of this war! Its organization was a *crime against the States.*

In this text is embraced the political history of the country, for the doctrines of that party were professed and the creed of its "apostles, prophets and guides" was recited long before the day of its official birth, when it was christened with its distinctive name, which has been the synonym of victory and dominance in the free States for nearly a decade. Its natural birth was before the throes of Kansas—it antedates the "Repeal of the Missouri Compromise." It was born—the spirit of the Republican party—the infusing spirit of the "Typhon of revolution" which is now raging over the land, in the days immediately succeeding the Convention of the States which framed the Constitution, as soon as selfish interest, sectional jealousy, and commercial rapacity were substituted for the elements of conciliation, liberality and patriotism which called the Union into being. We can trace that spirit through the whole history of our country from that time to the present—the spirit which animated the Republican party in its struggles for ascendancy, and which now animates it in its struggles for absolute power—that party which, by its promises and professions before, and its action after triumph was the prominent cause of the secession of the Southern States. John C. Calhoun said in 1837, when "abolition petitions were first presented to Congress, as follows: "As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upward till it brings the two great sections of the Union into deadly conflict."—The secession of the Southern States, though it was not justified by any constitutional right, was natural, and had been threatened if the Republican party, with its distinctive creed of antagonism to the institutions of those States, should succeed. The creed of that party was in bold violation—not only of the compromises upon which the Union was founded, but of the plain and written provisions of the Constitution.

The Democratic party, notwithstanding the enthusiasm, energy and magnanimity which it has evinced in its support of the government since the secession of the Southern States, has not forgotten, and will not forget, that the Republican party by its professions before and by its acts after its triumph, was the great cause of the war.

The Union, if not broken, is inoperative by its agent—the common agent of the States for the pur-

poses of the Union. In seeking for the means by which the States can be so united as to acknowledge again the federal government as their agent for the common welfare, and those other objects for which it was established, we are compelled to study the nature of that Union and the bases upon which it rests. We can then decide as to the justice of the grievances of the Southern States, and whether war alone can restore the Union.

THE UNION UPON THE CONSTITUTION.

Little more than seventy years ago, the Union was established. It was called the "United States of America." It was the successor of those Unions which had existed before on this continent, of the colonies under the protection and rule of England, but it was the immediate successor of that which, under the "Articles of Confederation" had carried us through the great struggle for our "chartered rights, for English liberties, for the cause of Algernon Sydney and John Hampden—for trial by jury, the Magna Charta and Habeas Corpus"—all embodied and condensed in the Anglo-Saxon principles of local self-government and personal liberty —that Union, which, in its formation, without and against the armed will of the King and parliament redeclared, and confirmed by the formal act of the colonies in their transformation into independent and sovereign States, the great assertion of the "Declaration of Independence"—that "Governments derive their just powers from the consent of the governed." The change from the Union under the "Articles of Confederation" to that under the Constitution, was not to have a centralized, consolidated government, in which the ancient and hitherto undenied local sovereignty of the respective States was to be sacrificed. The stern devotion to State sovereignty and jealousy of an extreme central power was as great then as when the people threw off the rule of England and made the government, under the "Articles of Confederation." This is evidenced by the tardiness of the States, even when they were conscious of the necessity of a revision of that system, to consent to a convention of the States to discuss and decide—not upon a new method, which was not then generally intended—but only upon a revision. The necessity for a revision, but wh ch became a change of the system of the government, was the imbecile nature of the polity which, while it conferred enumerated functions upon the central government, failed to bestow authority upon Congress to execute them. The necessity is concisely expressed in the language of John Quincy Adams: "The system was about to dissolve in its own imbecility—impotence in negotiation abroad—domestic insurrection at home, were on the point of bearing to a dishonorable grave the proclamation of a government founded on the rights of man."

The Union, based on the Constitution, was the successor of the old system. What is that Constitution? I do not ask what the Union is, for without the Constitution there can be no Union.

I ask what that Constitution is, for, as I believe, an incorrect conception and violation of it by a sectional party of the North—the organized result of sectional teachings at the North, for many years—almost as many years as the age of that Constitution, has involved us in this war. I ask what that Constitution is, for unless we become imbued with the spirit of its ordaining preamble, and study the great principle embodied in the last amendment to it, made by the first Congress, and respect and obey the mandates of that sacred instrument we can never—no, never restore the Union, as it was created upon that Constitution. It is a contract ("the adjective federal is derived from the Latin word *foedus*, a contract") made and entered into by sovereign States, acting by their respective delegates—from States which had from the time they threw off the royal authority, been sovereign States—who were under no compulsion to make the contract, but who voluntarily and deliberately broke the "Articles of Confederation" and seceded from the government under those articles, as they had previously declared themselves absolved from the rule of Great Britain. The latter was an armed revolution justified by success. The former was a political revolution justified by its subsequent confirmation by the States. That Constitution delegated certain defined powers, which are few, and specifically enumerated, to the federal government, with the power to execute them, and so far as those powers were granted and reached, the States surrendered their former sovereignties—but no further. All other inherent powers, possessed and enjoyed by the States, and not granted among those enumerated, were reserved by the States, sovereign yet as to them. All those sovereign powers which we find specifically defined in the Constitutions of the several States as possessed by them, and those which are not defined, but which had been possessed and enjoyed by them from usage, precedent and upon the common law of England, were reserved by them. Their sovereignty cannot be more concisely and yet comprehensively expressed than in the words of the amendment of the first Congress: "The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people." The federal government is, as it has been well expressed "an agreement which comes between anarchy and despotism,—a confederation by which one supreme government makes uniform laws (so far as it has delegated powers) and secures international intercourse between thirty-one different nations without the complexities of an endless amount of treaties and conventions." The federal government was created by the States as the central and common agent of those powers which they had surrendered. It was the common agent to enact and execute the uniform laws so far as it was delegated with power, which were to regulate the intercourse between the States, and control the difficulties and disputes which might arise between them from their different and antagonistic interests, and protect their respective domestic institutions and property. It was the common agent which represented them abroad as a nation, and not as different States. As an agent, it had only that power with which it had been invested by its creator. The provisions of the Constitution are plain as to the powers of the federal government. They are defined with almost mathematical precision. Its defenses are as seemingly impregnable, as any usurpations on its part of the reserved and sovereign rights of the States are apparently impossible. No one can read that Constitution, unless he be a bigoted partisan, who places his political creed—the shibboleth of the election hour—above that sacred covenant, who can fail to perceive that the objects of the Union, and the defenses of the States have been overthrown during the last few years. How marked by almost mathematical precision as to the objects and powers of the federal government are its provisions from the preamble in which are declared its objects: "We the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the

blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America"—to the last amendment of the first Congress, and without which New York State would never have approved it—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." In the ordaining preamble are contained the purposes of the Union. In this, the last amendment of the first Congress, which met in the city of New York, under the administration of George Washington is contained the defenses of the States. Who perverted those purposes of the Union, and who overthrew those defenses of the States, and the nature of the policy by which the Union can be restored in the spirit of the ordaining preamble of the Constitution, and with it the reestablishment of the defenses of the States, I shall discuss hereafter.

THE UNION UPON COMPROMISES.

The Constitution was moreover conceived and born in the spirit of *compromise*. This may be an unhappy word. In the resolutions of partisan assemblies, compromise and treason are designated as synonymous words. But I am not ashamed even in the din of battle to say that when the day arrives, which is certain to arrive, when the Union can be restored by wise compromise of the differences which exist, I prefer to restore the Union by that policy—the policy which brought the Union into being—than by the subjugation and extermination of one half of our own race, and the colonization of their States by ourselves—the three methods to "restore the Union" which have been avowed by members of the Republican party on this floor. It is a written compromise. It is a compromise between men of different parent races, creeds, educations and social conditions—of their thoughts, ideas, social and political theories. The Puritan in religion and Roundhead in politics of New England, with his bigotry of belief, which had become the despotism of religious idea, whose narrow mind could only conceive a pure civil policy of a theocratic nature—the sturdy Dutchman of that race which settled the southern portion of our State, and which can proudly and truthfully boast above all others that their race was the "originator of modern liberty in Europe," the Catholic cavalier of Maryland and the Episcopalian cavalier of Virginia, who boasted that they were descendants of that spirited race which crossed the English channel from the white cliffs of Normandy to England, and the blood which coursed through their veins was "unstained by that of any Saxon churl" and the Huguenots of the Carolinas—here upon the altar of constitutional liberty sacrificed their distinctive religious, political and social ideas. It was a compromise of religious belief, which threw its mantle of constitutional protection and equality over all forms. It placed religious and also moral belief outside of the political system. I am particular in stating this, for the great assertion which has never risen to the dignity of an argument of the writers and orators of Republican party before its triumph, was the immorality and irreligion of the institution of slavery. And the defence of the present policy of this war, which is declared by those who have at least apparent authority to speak for the administration, is not simply the "restoration of the Union as it was," but the reconstruction of it upon a purer and more moral basis—by the destruction of slavery, and as pertinently expressed in their shibboloth—"No compromise with slavery!" They, like a distinguished Senator of the upper House, cite from the writings and speeches of our ancestors. I concede the correctness of their citations, but the authors of them, whether of the North or of the South, sacrificed their personal objections—they compromised their private prejudices and scruples upon the altar of the Union. It was a compromise between the political theories of the different races. I award to New England much credit for the magnanimous sacrifice of her preferences and prejudices in the great and difficult work of framing the Constitution, yet history will not permit me to concede that she conceived the great principle upon which it was based. That great principle was in the immortal assertion of the Declaration of Independence—that "all men were created free and equal." It was one of those who boasted that they were the descendents of the cavaliers of Prince Rupert—the "curled darlings" of Charles the First, who met and were shivered by the stern Ironsides on Marston moor, who wrote that immortal declaration of the political equality of white men. It was not the Puritan who believed that the "earth, and the fullness thereof was the Lord's and his saints, and that he was one of his saints," and that all goodness, righteousness and wisdom was in him and in his belief, but one of the "aristocrats"—a member of the "slave oligarchy" as it was called at that time as now, was the champion of Democracy? This great principle—the great assertion of the 18th century—the first formal declaration of it by a people, but for which men had vaguely contended, but never fully conceived, hedged in and smothered by the hereditary and even popular ideas of privilege of rank and caste—a slight gleam of which but emanates from Magna Charta, clouded and scarcely distinguishable by the throng of the nobles who stood around its declaration by the King, with swords in their hands, to crush the people as well as the King, the two foes of feudal and aristocratic privilege, was conceived not in some conventicle on the sterile hills of New England, but on the plantation of Thos. Jefferson.* It was the slave institution which gave conception to the thought which resolved itself into that immortal declaration. The conception of such an idea by the Puritan was impossible in the pride of his religious intolerance and social caste, and who believed himself superior to other men. It was the Virginian living in a state where he was surrounded by a race entirely strange and different from his own, and beholding every day its physical, mental and social inferiority, who conceived the idea, notwithstanding his aristocratic prejudices, that his white neighbor, though his abode might be in a hovel, while he lived on the manorial estate, and was possessed of all the necessities and luxuries that wealth could bestow, was a member of the same great Caucasian race as himself, and was created like him "free and equal." In that assertion, as essentially reproduced in the Constitution—in the equality of all men—there was a compromise of social caste in which the superiority of any rank or class was obliterated, as there was a political equality of the States, whatever might be the nature of their domestic institutions. The slave institution, with its attendant evils, was at the time of the formation of the Constitution, distasteful to many of the people of New England, as it is now. Their sentiments were avowed in the debates of that convention. But they were represented by noble and

*This idea is ably developed by Dr Van Evrie, of New York, Editor of the Caucasian, in one of his many able works.

patriotic men like Ellsworth and Sherman, as have just and liberal men now who carry boldly and fearlessly the banner of the Constitution, and who sacrificed their prejudices for the consummation of their great project—the Union upon the broad basis of non-intervention with the domestic institutions of the States.

THE GREAT COMPROMISE.

It was also a compromise—the great compromise—between material interests, the commercial and agricultural, or slave interests. It was the great compromise, which embraces all the others, but all of which have been broken. The assumed purer religion and more perfect morality of the North have been the weapons used in the pulpit and press, the legislature and Congress, and even on the judicial bench, to violate the great compromise between the commercial interests of the maritime States of the North and the agricultural interests of the slave States of the South. The antagonism between the different interests of the States, at the time of the Constitutional Convention, were created from geographical, climatic and soil differences. The section west of the Susquehannah and south of the Ohio composed the great slave holding section, though in the north-west portion it was but thinly settled. Slavery existed in all of the States, except one, but in some to a very limited degree. In the northern and eastern sections, the institution was rapidly decreasing on account of the expense incurred in its support, and the failure of an equivalent for slave labor. It was decreasing also in obedience to the laws of soil and climate—the only just and certain abolition agents. But it had become a great element in the domestic economy of the southern States, for it is but a domestic institution, outside of the political system, as its morality is outside the control of the federal Constitution. The peculiar products which the slave returned to his master were many per cent above the expense incurred in his subsistence, while the results of his labor in the northern States was less than his support. Tobacco had already become a staple of the South. Cotton was already a young prince, soon to wear the insignia of royalty. This slave institution, from its peculiar nature, needed to be fostered and protected. Those States, which were greatly interested in it, were not willing to form the Constitution and to become parties to the proposed Union, unless their ancient and hitherto undenied rights were guaranteed to them, and new and stronger safeguards were thrown around the institution of slavery.

Slavery could never be a permanent institution in the New England States, because they were not agricultural. Negro slavery is an important element only in agriculture, for the negro slave has not and never will, from his mental inferiority, reach a higher grade than the menial-agriculturist. Even now, with all the inventions to assist in the development of the soil, we find, it has been remarked, but few at the North, who may be denoted by that appellation originally applied to the feudal lords of fertile and Central Europe, and which may be appropriately applied to the great planters of the South—the *adscripti glebas*—the tenants of the soil.

There were two other pursuits in which the men of New England could derive richer and more rapid returns to their investments. The people of the North had years before the establishment of the federal Union, discovered, as I have stated, that slavery was a profitless institution, not only because the negro race could not thrive in her cold climate, but also because agriculture was a profitless occupation. They had commenced to be a navigating people, and were promising to be like the ancient Phoenicians—"the people of the waters and the masters of the sea." The bleak and sterile hills of New England taught her sons that not in the soil must they essay to reap their wealth, or even to gain their livelihood; but no less did her long and extended sea-coast, studded with magnificent harbors, scooped out by nature from the rocks and hills, with safe and capacious entrances to broad bays in which might float in security the mercantile navies of the world, point out to them that their appropriate mission was on the watery fields of commerce—on which to be the maritime carriers of the world.

The beautiful science of physical geography shows to us the laws by which the great Creator was governed in forming the world, and the purposes of those laws—how each of the old continents has had its destined mission, or is now performing it, as each era has had its peculiar phase and development of humanity—how from the contours and conformations of continents, the dwellers on them have followed those pursuits, advanced in those paths, and filled their appropriate places, not according to their own volition as they have imagined, but in obedience to the inexorable laws which he has placed upon the destinies of men as dwellers upon the different continents or parts of them. He whose laws the philosopher beholds in "the tiny bubble whirling on the surface of the brook," and looking above, sees "repeated in the massive mechanics of the sky" has not neglected to give laws to the pursuits of men. He rules them by the elements of the earth, the water and the air. The Puritan of New England must not in his pharisaical belief think that he by convictions of morality, religion, and justice abolished the institution of slavery. The agents which abolished it were the great natural elements and the laws of interest.

To the already important commercial interests of New England was added the spirit of manufacturing industry. Until that time, the colonies had been dependant on the mills and manufacturies of England. New England desired to be not only free from the old country, but to be also the manufacturer for the States. She beheld the great markets open in the agricultural States. She had all the facilities for manufacturing—the ingenuity and industry of her sons, unsurpassed motive powers on her rapid running streams, and a large and increasing population seeking their livelihood, which they were unable to gain from her sterile soil. To compete in maritime commerce with Great Britain, and to build up her mercantile navy, she demanded special privilegee and protection, such as the taxing of foreign tonnage, and navigation acts, so that her ships would be selected by the importer in preference to those of other nations, especially England. And to build up her manufacturies, and to protect them from foreign monopoly, and to permit them to compete at an advantage with the mills of Lancarshire and Manchester, she demanded the imposition of duties on foreign goods. These demands were made by New England as the *sine qua non* of her becoming a party to the Union.

The Southern States, or the slaveholding States, as I have before stated, as their condition of joining the Union, demanded the protection for their slave property. They had no capital embarked in commerce or manufactories. They never expected to be commercial or manufacturing States. They were agricultural. They therefore desired free trade, but were willing to surrender that great benefit, and

to grant protection to the peculiar interests of New England, provided their conditions of guarantees and protection to slave property were granted. The conditions of the two sections as to the protection of their great interests were engrafted in the Constitution. They were the great *compromise*, without which the Union would never have been created.—It is a historical compromise. Curtis in his magnificent history of the Constitution treats it as the great compromise which resulted in the successful termination of the labor of the Convention. Hildreth in his "History of the United States" writes of it in detail. Permit me to quote from him (vol. III p. 520):

"Thus by an understanding, or as Gouverneur Morris called it, "a bargain", between the commercial representatives of the Northern States, and the delegates of South Carolina and Georgia, and in spite of the opposition of Maryland and Virginia, the unrestricted power of Congress to enact navigation laws was conceded to the Northern merchants, and to the Carolina rice planters as an equivalent, twenty years continuance of the African slave trade. This was the third great compromise of the Constitution. The other two were the concession to the smaller States of an equal representation in the Senate, and, to the slaveholders, the counting of three-fifths of the slaves in determining the ratio of representation If this third compromise differed from the other two by involving not merely a political but a moral sacrifice, there was this partial compensation about it, that it was not permanent, like the other, but expired at the end of twenty years by its own limitation"

This paragraph is but a feeble presentation of the "bargain" as it was called, but which was a full and comprehensive compromise of the antagonistic interests of the different sections. I recommend to my Republican friends, the "sum and substance" of whose argument has been the "policy of freedom" of those who framed the Constitution, to read carefully the forty seventh chapter of the second volume of "Hildreth History of the United States," where they will find a full account of this great compromise. They will there find a most violent anti-slavery speech by Gouverneur Morris which has not been excelled in bitterness by any of the latter-day apostles of the abolition crusades, and yet they will also find that he sacrificed all of his moral prejudices so that the great bargain might be made, which resulted in the Union upon a constitutional compromise. I have not the time to read that history to-night. I do not censure New England for making the condition of her becoming a party to the Union, the protection to her interests, but I denounce her for receiving the benefits of the compromise and refusing to respect the condition made by the Southern States. Every speech made by a Republican member of this and the upper house has been in the nature of an essay on the immorality of slavery.—If they will turn to the pages of that history which I have cited, they will there read, that their ancestors surrendered their moral objections to slavery for the benefits granted by the Southern States to their commerce and manufactures. And as I have read the political history of the country I find that the South—whatever may be her position to-day—generally respected the compromise. Has the North been true to that compromise as to the slave property of the South?

The contract of the Union is now broken—broken as the Republican party claims, by the secession of the Southern States. It was broken long before by the North refusing through her legislatures to respect the provisions of the covenant, and the armed resistance of the people to the federal government when attempting to execute the mandates of the Constitution. In place of the "aggressions of the South"—the shibboleth of the Republican party, I appeal to the political history of the country. I do not desire to apoligize for the many errors committed by the South. I can never be an apologist for the secession of the Southern States. They were ungenerous in leaving their allies in the North—the great Democracy—when they were defeated. We had fought the battles of the Constitution for years—we had borne the brunt and din of the contest, and they left us in the day of disaster and defeat. The doctrine of constitutional secession is one which does not receive my belief.—But we of the North are not guiltless. The day will come, when we must decide the contest in which we are now engaged by an honorable compromise, and we will hasten that result when we comprehend our errors of the past, and are willing to be just in the future.

On the 4th day of March, 1861, the representative and chief of a triumphant sectional party of the Northern States—those States a numerical majority of those which constitute the Union—made a majority by the concessions, or at least by the fidelity of the South to the great compromise, in the passage of the tariff acts for the benefit of the North, which had increased the industrial population of the latter from the old world, which class had settled in the territories and brought them into the Union as free States, joined to the repeated defeats of the South to carry into those territorities, the "common property of all the States," their slaves. I read that history in this connection no further than to that historic day when the chief of this sectional and revolutionary party—revolutionary because sectional—ascended the steps of that capitol where, on so many previous occasions none other than the representatives of a conserved and unviolated nationality ascended, with the symbols of triumph in the recorded greatness, triumph and glory of the Republic to encourage them on in the same anticipated path.

THE SPIRIT OF THE REPUBLICAN PARTY.

Through almost as many years as those of the Republic I trace the spirit of the Republican party in the steadfast and increasing purpose of a portion of the people of the North to commit aggressions on the rights of slave property. Longago—only a few years after the adoption of the Constitution, were heard the croakings of the ravens in the distant East. At first a little brood, but faintly heard and seen, but increasing in number with every quadruple of years, until they were plainly heard and seen—black-winged in plumage and ominous in sound, intermingling with the joyful voices of the people their hoarse, discordant and doleful cries. This black brood—prolific as birds of ill-omen are—overspread the Northern land. They were the forerunners of war and carnage. From that early day to the present, there has been an increasing and constant abuse of the people of the South, in petitions to Congress, articles in newspapers and periodicals and sermons from the pulpit. Then the pestiferous agitators, becoming numerous, organized themselves into societies whose avowed object was the agitation of the question of slave-property. France makes the boast that she is the only Christian nation that goes to war for an *idea*. We behold, as we study history, how the dynasty of a nation, through successive generations, and under different heads, like that frigid one of the Romanoffs of Russia, pursue one idea of destiny—how all things and circumstances, all little differences of men, as well as great hostilities of nations, are moulded to the success of the one great object. So the Puritan element of New England, naturally one of organiza-

tion, born in no necessary rivalry, has, from the earliest days, used the question of slavery as one to excite the moral and religious prejudices of the people of the Northern States, for the purpose of the political degradation of the South, and the supremacy of the New England States. Having imbued the minds of the people of the North with a belief in the immorality and irreligion of slavery—that in it was the "sum of all villanies," it had no difficulty in using these true agencies of assault in the political world. And having thus systematically poisoned the minds of the people, it had but little difficulty in infusing them with the general belief that the attempt of the slaveholding States to preserve and defend their constitutional rights, were *"the agressions of the South."* Under this political shibboleth, which never rose to the dignity of an argument, as it was destitute of logic as of fact, the battle of sectionalism was fought and won. In my opinion, from a study of the political history of the country, the so-called "aggressions of the South" or "slave power," as it is called, have been the attempts of the people of that section to preserve their rights of property and "State sovereignty" over their domestic institutions. The policy of the South, at least before the present revolution, was defensive—only asking for a strict construction of the Constitution. I have not the time to review the great contests over the admission of States, recognizing slave property, into the Union. Every contest is but a repetition of that over the admission of Missouri, as to the position of the North.—For in the refusal of the Northern members of Congress to admit Missouri, unless she presented herself as a "free State," that is unrecognizing in her constitution, the right of property in slaves, was the assertion of the principle of "intervention" as to the domestic institutions of a State by the federal government—a principle, the legitimate fruits of whose triumph are now apparent in the dethronement of all State sovereignty in free as well as slave States.

The domestic institutions of the Southern States have been overthrown. And the Northern States have been dethroned of their sovereignty, and the people of their personal panoplies.

As the Republican party was defensive in its professions before it came into power, so it has been aggressive since its attainment. As it was hypocritical in its policy of "freedom" in a minority, so it has been bold and audacious in its tyrannies and usurpations and crimes in its majority. It was scarcely to be expected that a party, whose policy was aggressive, would after it had obtained power, even when danger threatened the Republic, relinquish the attempted realization of those promises which were the elements of its success. Factions do not compromise. Their missions are not to preserve but to destroy liberty. The history of this party as exemplified since its triumph, may yet be written, if it is permitted to pursue its reckless course, in the fable of an ancient race, which tells us that faction is the twin brother of liberty, who was born before the latter, and the only one of the two who is immortal.

THE REPUBLICAN PARTY RESPONSIBLE FOR THE WAR.

It is responsible for this war, unless it was criminal for it to have sacrificed its creed. We remember how after the election of Mr. Lincoln, the Southern States, by their representatives in Congress, were willing to remain in the Union, provided they were guaranteed protection for their property, their prayer being that the Constitution, or at least the compromise resolutions of Mr. Crittenden, in which were less than their rights under the Constitution, should be the rule and guide of action—how Virginia, forgetting and forgiving, in her love for the Union, the raid of the Northern marauders upon her soil, called the "Peace Congress"—how the legislatures of the northern States, including New York, who was as guilty, aye, more guilty than the others, because she was the greatest of them, when the country was on the verge of civil war, sent to that Congress men who believed in no Constitution, but only in the creed of a past political campaign, and how the peaceful and conciliating propositions of the "Border States" were rejected, undoubtedly by the consent, if not the influence of the President. These events are all parts of the record of this Administration which will be reviewed in truth by the historian. We can all recall vividly, as though it were but yesterday, the strange scene which the North presented when the news flashed over the wires of the fall of Sumpter. Never was there a sublimer scene witnessed—never was there a grander pageant in the history of the world than the apotheosis of the symbol of the Union. And never was there such a dethronement of memory, and of reason by the people in their forgetfulness of the history of the Republican party, its sectional principles and aggressive creed, and of its stern fanaticism in refusing to grant the slightest guarantees of constitutional justice or even equity.

There was nothing strange in the enthusiasm which took the place of memory and reason, for a nation's flag, from the time when Palamedes of Argos "formed the first systematic line of battle," representing its position and distinguishing it in contest, has been, whatever may been its form, however rough in outline and poor in decoration or of the finest embroidery, the object of veneration and devotion like the symbol—the "two transverse lines"—of our holy religion.

I had the honor to be at that time a member of the Legislature of this State. I voted for the appropriation of $3,000,000 to equip volunteers from this State to defend the capitol of the country from threats which were made against it. I have no regrets to make for that vote. It was a duty imposed upon me from which I could and would not absolve myself. I trusted that the action of the government would be wise and conservative—that it would be defensive and not aggressive. I stated then that I would support the government in all just and wise measures of public defence. "Not one cent for aggressive coercion, but all for the defense of the capitol, the preservation of the government, and the wise and discreet execution of the laws." I feared then, from my conception of the policy of the Republican party, that it would attempt to enforce its policy, and make triumphant its principles, if legislative measures failed, by those of armed power. Men who were then regarded as "loyal" are now called secessionists. But the standard of patriotism has changed. It is no longer the Union upon the Constitution, as illustrated in seventy years of greatness and glory, but the Union as it should be of the radical leaders of the Republican party—one resting upon armed subjugation and not will—upon the ruins of States, and not by the consent of the States and living in the hearts of the people. Whoever will not approve and even applaud the progressive policy of those reckless and imbecile leaders who attempt to guide the government, are called secessionists. The Democratic party has and never will countenance the doctrine of secession. The doctrine of constitutional secession

they regard as a "heresy" and the recognition of which would be destructive to our government.—There is undoubtedly secession by revolution, but one which should be resorted to only upon necessity. It is always a right when triumphant in its results. The people who resort to revolution for the redress of grievances and their liberation from oppression have always two alternative fates before them, which are triumph or defeat, and the synonyms of which are in this connection patriotism or treason. It is not a legal right. "It is a right against law and above law. It is a right against majorities as well as minorities." "It is," as Mirabeau expressed it, "the tocsin of *necessity* alone that gives the signal when the moment is come for fulfilling the imperscriptable duty of resistance, a duty always imperative, whenever the Constitution is violated, always triumphant when the resistance is clearly just and national." I repeat that the Democracy do not justify the action of the Southern States.—They forsook us who had fought their battles, for they had none to fight in the South—in the day of our defeat. If they had been wise they would have remained in the Union, for then the present practical realization of the promises of the Republican party would have been impossible. But whether secession be based upon constitutional authority, as the statesmen of the South allege, or upon only that of revolution, it is now a *fact*, though it is not yet successful, and never will be if a wise policy is adopted. What has been the policy of the government in relation to the position of the Southern States! It has not been that of conciliation since their action, to bring them back, as it was not to restrain them when they threatened revolution. Its only policy has been that of "coercion by arms"—and by that not of a civilized nature, but barbaric—the avowed objects of which have been not to restore them to their ancient sovereignty, but to make them subjugated provinces.

As I stated at the outset of my remarks, we are approaching that stage of the Revolution when the great questions which will arise in the triumph or defeat or compromise of this revolution will be the subjects of investigation and study. Where can we find more valuable materials for such investigation than in the opinions of those great statesmen who framed the Constitution. Although circumstances may have changed, and with those changes the plans and measures for the present, yet we may learn something from them as to the policy to be pursued in preserving or restoring the Union. I know that there are many dupes of the false logic of political leaders, who believe that the system of our government is a failure, and who desire one existing upon the principle of the centralization of authority, and supported by the "coercion of arms." But

> "The dead, yet sceptered sovereigns, who still rule,
> Our spirits from their urns,"

expressed different views which at least demand our respect.

Alexander Hamilton in the State Convention was compelled to protest against an undue exercise of Federal authority. He said:

> "The States can never lose their powers till the whole people of America are robbed of their liberties. These must go together; they must support each other, or meet a common fate."

If Hamilton had assumed the contrary position, New York State would not have adopted the Constitution, and would have remained out of the Union as a separate nation. These views were generally entertained by the members of the Convention from all of the States. It is interesting at this time when the modern ideas of the Union prevail, to read the opinions of our fathers as they are found in the paper of Mr. Madison and Elliott's debates. But it must be admitted that they did not foresee the circumstances which characterized the commencement of this contest—*the first gun being fired by a State on a federal fort.* But after the contest had commenced their views should have been followed so far at least that the war should have been waged, as the people demanded, and as Congress declared it should be, for the restoration of the legitimate authority of the federal government, and not against the institutions of any State, "but that when the rebellion should be put down and the war at an end, each State should emerge from the ruins, with all its pristine rights and dignity complete, untouched and undiminished."

I might cite the views of all the great framers of the Constitution to show at least that war alone as the means of a policy cannot restore the Union. War *alone*, every sensible man must admit, cannot restore the Union, for it exists upon the "consent of the governed." I have an abiding faith, which never fails, that the Union will be restored. The inevitable result of the next presidential election—the triumph of the policy of the Democratic party—will restore it, when the people of the South exhausted like those of the North, will consent to return to their old Union. But the war has not been carried on even under the pretence of the restoration of the "Union as it was." It has been to destroy a particular species of property—it has been to subjugate and exterminate a people by the policy of barbaric warfare. It has been to overthrow the sovereignty of the "loyal States," and to d stroy the liberties of the people of the North. But yet this has been the *natural* result of the success of the Republican party. It promised the overthrow of State sovereignty at the South, and the natural result has been the verification of the prophecy of Alexander Hamilton, that

> "The States can never lose their powers till the whole people of America are robbed of their liberties."

I do not refer to the revolted States, but to the dethronement of the local sovereignty of the Northern States, and the loss of our own liberties. The licentious results of the *single* policy of the Republican party of the "coercion by arms" of States, no one can forsee.

THE DANGERS OF THE FUTURE.

We are now, as I believe, at a point from which two paths diverge into two forseen futures—one to centralized despotism, the other to anarchy. The unsuccessful attempt to follow the former, will, I fear, lead us in the latter. But there is yet time to retrace our steps in that wide path in which our country had made and was making such a grand natural advance until the days of November, 1861. I appeal to history for the truth of the grand past, and I appeal to the present for the sad realities, and the threatened disasters of the future. Under the policy of the Republican party within less than two years, this nation, which was reaching the acme of civilization, has been relapsing into the most ancient barbarism as to the policy of war, and has modelled the administration of government after the most odious despotisms. At the commencement of the war, thousands of brave men, believing that

it was for the cause of "a betrayed Union, and violated Constitution," grasped their arms and sprang into the "armies of the Union" at the call of the President. They enrolled themselves to fight for the honor of their national flag, but as the deluded followers of Mokanna, the false prophet, beheld when he raised the Silver Veil from his countenance in place of the anticipated celestial features of a God, merely the hideous features of a fiend, so they now behold that that flag was but a thin outer gauze covering the real emblem—the black flag on which is inscribed—*Extermination* to the people of the South and slavery to those of the North. Hundreds of thousands of them now sleep the last sleep under the Southern soil. Hundreds of thousands of them are maimed and crippled for life. The youngest, the noblest and the bravest have both met the same fate. There being no more who are willing to offer themselves up as a holocaust to the imbecility of the administration, and to fight for the policy of a party which has been substituted for that of a nation, and which has for its result, though it may not be its avowed object—a San Domingo war of outrage and massacre of the defenceless women and children of our own race by slaves changed into demons of lust and blood, the Administration declares that the war must go on, if it has to be prosecuted by armies of slaves.

THE PEOPLE OF THE NORTH DIVIDED AS TO THE POLICY OF THE WAR, AND THE WAR ITSELF.

There is no doubt that the people of the Northern States are divided as to the war. It is the question which the States will settle, if they are any longer States in the political system

> "but the
> Tributes of the State, the States themselves,
> To bind, to loose, to build and to destroy,
> In peace, in war to govern; nay, to rule
> Their very fates, like some superior thing."

seem to be assumed at present by the President.

The people of the North are divided into three classes. There is one who are opposed to the present policy of the war, but who are in favor of its prosecution for, as they allege, the restoration of "the Union as it was, and the Constitution as it is."

The second class is composed of those who are opposed to the war, on the ground that war cannot restore the Union.

In the third classs are embraced those who support the Administration, whatever may be its policy, who have followed it through all its changes of measures and of men, and who illustrate in their actions the formula of Archbishop Laud, "Passive obedience and non-resistance to the king," and who by their servile adulations of the President and his usurpations of State and personal rights, permit him to boast as the flatteries of the courtiers of Louis XIV extorted from him the exclamation—*L'etat, c'est moi*, and who say that the war must be prosecuted to the end, whatever may be the means employed, provided the result is reached.—What the result would be of such a policy I shall speak of hereafter. Those who belong to the first class are opposed to the present policy of the Administration, for the reason that even if war can restore the Union, the measures of the Administration are opposed, not only to the rules of civilized warfare, but tend to excite the people of the revolted States to desperation and to unite them in their struggle for independence.

The Administration has adopted the war policy of barbaric ages. It is well expressed by Chancellor Kent in his Commentaries:

"The end of war is to procure by force the justice which cannot be otherwise obtained; and the law of nations allows the means requisite to the end. There is no limitation to the career of violence and destruction, if we follow the earliest writers on this subject who have paid too much deference to the maxims and practices of the ancients and the usages of the Gothic ages They have considered a state of man as a dissolution of all moral ties, and a license for every kind of disorder, and intemperate fierceness. An enemy was regarded as a criminal and an outlaw, who had forfeited his rights, and whose life, liberty and property lay at the feet of the conquerors. Everything done against an enemy was held to be lawful. He might be destroyed, though unarmed and defenceless. Fraud might be employed, as well as force, and force without any regard to the means. But these barbarous rights of war have been questioned and checked in the progress of civilization. Public opinion, as it becomes enlightened and refined, condemns all cruelty, and all wanton destruction of life and property as equally useless and injurious, and it controls the violence and severity of war by the energy and severity of its reproaches"

* Kent Commentaries, Lecture 5, p. 99.

They regard the measures of the administration—especially the Proclamation of Emancipation and the Confiscation bill, the objects of which are the same—as being not only unconstitutional, unjust, and impolitic, but against all precedents, if not of all civilized governments, at least of that from which we derived our common law precedents. I can have no sympathy with Secession, nor with the government of the Confederate States, as my allegiance is due only to my own State, and the Federal government. But I assert that the people of the Southern States, and those portions where the protection of our government does not reach them, should not be stripped of their property, for rendering their allegiance to the Confederate government, however irregular may be its form. It is not my intention to discuss the unconstitutionality of these measures, as I regard them but as the natural consequence of the triumph of the creed of the Republican party—as the official consummation of its designs and anticipated results. I cannot, however, refrain, in this connection, from quoting a few lines from the Commentaries of Blackstone. My purpose in so doing, is not in justification of the action of the Southern States, but in condemnation of the policy of the administration, whose results must be to strengthen the revolution, and unite the Southern people in perpetual allegiance to the Confederate government:

National allegiance is therefore perpetual, and local temporary only; and that for this reason, evidently founded upon the nature of the government, that allegiance is a debt due from the subject, upon an implied contract with the Prince, that so long as the one affords protection so long the other will demean himself faithfully. * * * * * From which decision Matthew Hale deduces this consequence, that though there be an usurper of the crown, yet it is treason for any subject, while the usurper is in full possession of the sovereignty, to practice anything against his crown and dignity. Therefore, although the true Prince regain the sovereignty, yet such attempts against the usurper (unless in defense or aid of the rightful King) have been afterwards punished with death; because of the breach of the temporary allegiance which was due to him as King *de facto*. And upon this footing, after Edward IV. received the crown, which had been long detained from his house by the line of Lancaster, treason committed against Henry IV. was capitally punished, though Henry had been declared a usurper by Parliament.

Was there ever a people, the subjects of an usurpation, so forced by the imbecility of the legitimate

government—to support and defend with their lives the government which protected them, however irregular may have been its forms, or illegitimate the source of its authority, as the people of the Southern States. They behold in the Proclamation of Emancipation and the Confiscation bill, measures which must destroy all desire at the South for the success of the cause of the Union; for that success will, under the sweeping provisions of these measures, deprive them of their property and homes.—They are right when they declare that they cannot support the war under its present policy, for it is no longer even ostensibly, a "war for the Union." Mr. Stevens, the leader of the Republican party in Congress, made this declaration: "That he would never consent to the restoration of the Union as it was." His Union is that one which would be the creative result of the policy of his administration and party. It cannot be a war for "the Constitution as it is," for that sacred instrument has been superceded by the revolutionary measures of the President and Congress. And there is no predicting what measure the administration may adopt, and for what objects the war may be prosecuted. Revolutions march rapidly, and the administration is the representative of a revolutionary party. Its ori inal leaders, like the Girondists, the authors of the French Revolution, and the judges of the King, have been thrown aside, and the "radicals"—the same class as the Jacobins of that age—now shape the policy of the war, and guide the destinies of the country. And if they are permitted to prosecute the war under their present and progressive policy, they will not only make a San Domingo of one half of the land, but they will destroy even the forms of State governments and personal liberties at the North. Michelet says, in his French Revolution, that,

> The sects which were the offspring of the Revolution, annulled the Revolution itself; people became Constituants, Montagnards, but the Revolutionists ceased to exist.

So the Republican of 1860—the simple and honest believer in the creed of Chicago—so the patriotic War Democrat of 1861, who gave not only his thousands, but his sons, to the cause of what he believed to be the redemption of the Union—must be now, under the present standard of patriotism, which is a changing one, an emancipationist, an abolitionist, an advocate of armies of negro slaves, of usurpations and dictatorship at the North, and whatever may be the new and progressive policy of the radical and revolutionary administration which he supports.

The second class do not support the war, whatever may be its policy, because they are opposed to the war as the means to restore the Union. The future will decide whether they were the "wise men" of the age, or not.

THE TWO ANTAGONISTIC PRINCIPLES—CENTRALIZATION AND LOCAL SOVEREIGNTY.

As I stated at the outset of my remarks, there are two antagonistic principles of government which are contending for mastery—one or the other of which must triumph. I speak of this contest at the North—the "loyal North." The policy of the administration, though it may be disguised under the cry of safety for the Republic, is yet shaped for the former. I believe that the triumph of that principle in our government is as lamentable as the dissolution of the Union. It is more, for the Union can be reconstructed; but a free people, history tells us, who lose their liberties, seldom regain them.* In fact, in its triumph, the Union is destroyed. It is the old principle of *centralization* in government which has been the seed of destruction to so many nations, as it has been the weapon of oppression to the people. It destroyed the Ancient Republics, upon the ruins of which were erected the rule of the Consular-Dictators and Imperators of Rome, and the tyrants of Athens. The antagonism of our English ancestors to this principle, was the key note of all their popular struggles. The Barons of England extorted the abnegation of it from King John, at the points of their swords, when he in Magna Charta granted local sovereignty and personal protection. John Hampden asserted it when he refused to pay the *local* ship tax imposed by the king. Charles the First, because he failed to comprehend the odiousness of this principle to the people, lost his throne and mounted the scaffold. And Louis XVI. followed him a century later, for asserting to the people the centralization of absolute power in himself. All the great writs of English freedom which we believed were our inheritance, were the fruits of the defeat of this principle, and our fathers believed when they triumphed over the attempts of the king and parliament to centralize the local government of the Colonies in themselves, that they had buried this principle on this Continent. Only once in our history has it been asserted—under the administration of the elder Adams, in the "Alien and Sedition" laws, by the Federal party which had the seat of its power in the New England States, and which the people of the Southern and Middle States overthrew. Elliott, in his "History of Liberty," writes of it as follows:

> Over the ages of old, there broods, from first to last a giant shape, conjured up by human laws.—Wherever men came together, upon the Eastern plains or around the Western citadel, they dwelt in the shadow of centralization. This is one of the two systems by which society is constituted The *other is Union*. Centralization binds men together. But, it binds men together to the benefit of the minority. The majority is oppressed.

Kossuth said, in one of his speeches, in this country:

> I hope that the great French nation will soon succeed to establish a true Republic. But I have come to the

* Since delivering the above speech, I have read the following remarks of Senator Harris, of this State, in the U. S. Senate, which are worthy of attention, as from a distinguished Republican:

"In this country, even in our utmost need, and England with her many wars and often scarcity of men, never resorted to this despotic measure (the Conscription bill). It was a mode of raising armies only used by despots, but never by Republican governments; and the principle, if adopted, would provide large standing armies which almost inevitably lead to despotism. In a government of delegated power, and which rested upon the consent of the governed, it was inexpedient and unnecessary. Congress had not the power, under the Constitution, thus to destroy the militia of the State, which the Constitution provided for, as a reserved force of the Union. If this measure was adopted, there would be centralized power. He would not say that the President would make bad use of this power, but he objected to the principle. It was always dangerous to centralize such immense power under one man—an ambitious man. Might not the fate of France be that of this country?—Our forefathers saw the dangers, and wisely placed checks upon a too great centralization of power. It has been said that the life of the nation was at stake *He believed that the liberties of a free people were of more importance than anything else*, and if he were to choose between an Imperial Government, stretching over the whole country and including Mexico and Canada, and two or three separate republics, he would have no hesitation in choosing the latter."

conviction that for freedom there is no duration in centralization, which is a legacy of ambitious men. To be conquerors, power must be centralized; but to be a nation, self-government must reign in families, villages, cities, counties, states. As power now is lodged in France, the government has in its hands a half a million of men under that war discipline which is needed in a standing army. * * * * * * *

Now, gentlemen, is it not clear that with such authority and force—not to become dangerous to liberty, every President must needs to be a Washington. And Washingtons are not so thickly strewn around. Woe to the country whose institutions are such that their freedom depends upon the personal character of one man. Be he the best man in the world, he will not overcome the essential repugnance of his position to Freedom. When France abandons this centralization, and carries out her own principles of "Liberty, Equality, Fraternity," by *local self government*, she will be the great basis of European Republics. I take it that the right to cast a vote for the election of a President every four years, does not exhaust the sovereign rights of a people. A people deciding about its own matters, must be everywhere masters of its own fate, in villages, communes, as much as in electing its chief officer.

Was there ever a more daring assertion of this principle than by the party who control the Federal Government? I warn the people that there is more danger to their liberties than ever menaced a free people. Those who are in favor of it, and there are many honest men under the influence of designing leaders who are, should, if they desire to make it triumphant, support the administration in the most vigorous and extreme measures, and most despotic policy, by the overthrow of State sovereignty and the violation of all personal rights at the North, by the advocacy of the usurpation and concentration of all powers in the Federal Government, by the conscription of those unwilling to volunteer, and the incarceration of the opponents of the policy of the administration.

The other principal is *local sovereignty*, known to us more generally by the term of "*State sovereignty.*" It is the principle upon which the American Revolution was founded. It has been called the Anglo-Saxon principle from the jealous devotion of that people to it. Lieber says in his "Civil Liberty" that,

"In England we first see applied in practice and on a grand scale, the idea which came originally from the Netherlands, that liberty must not be a boon of the government, but that it must derive its rights from the people."

This local sovereignty, within defined limits, exists in England, in counties, shires, cities, towns, and even in the cottage of the peasant. Lord Chatham expressed it thus:

"Every man's house is his castle. Why? because it is surrounded by a moat and defended by a wall? No It may be a straw-built hut; the wind may whistle around it; the rain may enter it, but the king of England cannot!"

Our fathers brought this principle of government with them, and defended it against king and parliament, who attempted to wrest their local sovereignty from them, and to centralize all the control over the colonies in themselves. The Union can never be restored without the recognition of this principle—the promised violation of it was the cause of this war. I did not support the policy of the Republican party before its triumph. I cannot support its measures now—the result of the triumph of that policy. The measures of the administration are but the realization of the policy which the Republican party promised, should be that of its chief representative if he were elevated to the Presidency. That policy was to be intervention in the domestic institutions, and the overthrow of the sovereignty of the Southern States.—Few of those who enrolled themselves under the standard of that party expected that it would be exercised except as to the institution of slavery. It is not my purpose to attempt to prove that such measures as the "arbitrary arrests," the imposition of "martial law" over the "loyal States;" the "suspension of the habeas corpus," and the obnoxious measures of the administration, are illegal and unconstitutional. The most gifted jurists of the country have, in the most elaborate arguments proven the affirmative of the proposition. I regard them but as the *natural consequence of the triumph of the great principle—the essence of the creed of the Republican party.*

The advocacy of the application of this insiduous doctrine by the Federal Government, so totally repugnant to the essence as well as the theory of our polity, and the consent by a majority of the people of the North, that it should be applied as to the Southern State, has resulted in the overthrow of their respective local sovereignties and the loss of their personal liberties, as the necessary consequence of the former.

All the great inalienable rights of the people as defined and enumerated in the Constitution of the United States, and the several States, have been, by the "arbitrary power" of the Federal Government, wrested from them. I need not repeat what those great rights are. They are known to us, as we have always enjoyed them. Not the Federal Constitution, but what has been called the "*necessity of the hour,*" has been the rule and guide of the action of the administration and a servile Congress. The State Constitutions have become mere nullities under the exercise of the arbitrary and usurped power of the Federal administration. Summary arrests and summary incarcerations, have been substituted for the arrest by the warrant of law, and the preliminary examination. *Lettres de cachet* of the style of the *regime* of Louis XV, issued by the officers of the administration, and their subordinates, and summary condemnation without trial or even explanation, have been substituted for the legal processes, as ordained in the Constitution, the embodied reproduction of the writs of English freedom. Provost Marshals, supported by military power, have been appointed in the different "loyal States," to enforce its arbitrary and despotic measures. The Governors of the States, unless they resist and are supported by the people, have been virtually deposed as their States have been deprived of their sovereignty. While our armies have been contending, as they believe, for the "restoration of the Union," it has been destroyed at the North, and in its place has been erected a gigantic, consolidated despotism. There is no longer a President of the United States, but there is a dictator, assuming the right to exercise more power than the Emperor of Austria or the Czar of Russia. If Napoleon III attempted to assume such arbitrary power, he would raise a revolution which would rock the imperial throne to its centre. The supporters of the different measures of the administration do not claim that they are constitutional. They admit them to be extra-constitutional, but necessary as the war itself for the preservation of the government, for "*the life of the Nation,*" for our *nationality.* This is the argument which has been ever used by usurpers and their parasites. Where was there ever one that did not justify his usurpation by this plea, even though he were obliged to wade through blood to obtain the desired power. The dictators of Rome; the tyrants of Athens; the Protector of England; the

first Napoleon and his successor, the present Emperor of France, used this plea.

The Union to-day exists only in name at the North. It has been destroyed by those to whom its preservation was entrusted. Upon its *debris* they have erected a gigantic, consolidated government, all its power issuing from a Federal head; despotic and usurped power, the object and result of which must be, unless popular agencies prevent, the fate of all free Republics which have preceded it.

I owe a fealty to the Union as represented by the Federal Government, but to a Federal Administration, which distorts the sacred and ordained purposes of the Union, and which usurps the sovereign rights of the States, I owe no allegiance. I prefer the Union of Madison, Hamilton, Ellsworth and their associates in the great work of its establishment, to that polity which the Republican party demands, and for the substitution of which the policy of the war has been changed. There are many who desire to have a strong consolidated government, some from interest and power, and others from honest preferences. There has not been a speech made in this or the upper House by a Republican member, which has not been an open or indirect advocacy of such a polity. We read such sentiments expressed in the journals of the day.

"The representative system is laughed at, and the ideal of monarchial or political absolutism is draped anew, and worshipped by thousands as if it were the latest avatar of their political God."

Such a government would be undoubtedly respeted and feared abroad, as great empires are, but it would also resemble them in that it would be oppressive and odious at home, resting upon military power, and only to be overthrown by the giant form of armed revolution I prefer that one which blesses its own subjects to that which oppresses them, though it may terrify other nations. I prefer that one which is based upon the assertion of our fathers, that "governments derive their just powers from the consent of the governed," and not that which the new political teachers would found upon the maxim of "divine right and passive obedience" of George Jeffrys—*A Deo Rex, a Rege Lex*, and which entrenches itself upon the absolute decrees of the Stuarts and Bourbons of past centuries, and the Romanoffs and Hapsburgs of this age. I am still a believer in the former, weak and defenceless though ir may be, as alleged by the advocates of *consolidation*, but strong and united, when the compromises and principles of which it is the offspring are respected by its rulers; that government, which, when more powers are demanded by the exigencies of the hour, appeals to the people, the natural and true source of all power, and not like the latter to absolute decrees and usurpations—*the ultima ratio regum*.

In the return by the Administration, to the former of the two principles, I can find the only hope for the restoration of the Union, not merely in its form, but in its essence. The Union has been virtually overthrown at the North by the Administration, that is, if it is based on the Constitution, for there is scarcely a section of it which has not been violated.

THERE CAN BE NO SUBJUGATION, BUT THE REVOLUTION CAN BE CONQUERED.

The policy of the war has been changed, as has been the nature of our Government. It is no longer for the "restoration of the Union," which the Democratic party supported, but it has become one, as admitted by the supporters of the Administration, for the destruction of slavery, the extermination of the people of the revolted States, and the colonization of their States by Northern men.—These objects may be carried out, for there may be nothing impossible to the great Northern race. The resources, the military character of the people of the North, and their bravery have astonished the world. But I have never faltered in my conception for what ends this war should be, if war is the means. I have my own peculiar views, based on a study of the opinions of the great men who framed the Constitution, as to the policy of "coercion by arms," *only*, as the means; but the people of the North decided that such should be the policy, and when its object was, as they demanded it should be, the restoration of the Union, upon the Constitution, I never threw obstacles in the way of the Government. But a different policy has been substituted—one which it is not even claimed is for that purpose. It has now become a war to carry out the principles of a party, and not those of the Union—it is a war fought ontside the Constitution, to found a new nationality. I prefer that policy, which sent with the armies, instead of the "Proclamation of Emancipation," to arouse servile insurrections, and the "Confiscation Bill," which deters the revolutionists of the South from renewing their fealty to the Federal Government, and forces them to sustain the Confederate Government, however irregular it may be, which protects their property, the declaration made by Congress, after the first battle, and defeat on the plains of Manassas. I have an abiding faith in the restoration of the Union. I can speak for my party, when I say that it will never be content with anything less than the old Union, including all the revolted States. How will it be restored? By arms? Not by arms only. I am not in favor of disbanding our armies. Whatever may have been the cause of this war, however great may have been the original error of it, as some allege, however unjustifiable it may be by Constitutional authority, we are now at war. I expect it will go on. What will be the the measure of it will depend upon the policy of the Administration, and the temper of the people. But, I have no hesitation in saying that the *restoration* of the Union by the "coercion of arms" *only*, will be an impossibility. If our armies conquer all the revolted States, and hold them by "military power," will the Union be restored? No! For that Union was made and has existed by the "consent of the States." This is the essence of the Union—its living force—as was declared by New York State, as the condition of agreeing to the adoption of the Constitution—the bond of the Union. The forms of the Union may be exhibited to foreign nations. There may be no blockade of the Southern coast—its ports may be open to the commerce of the world. Our gun boats may open the Mississippi, to the free navigation of all the people who live on its banks. But it will not be the Union, living in the hearts of the people, and embracing all the States by their sovereign consent. The name may still be that, by which it was known to the nations who had beheld its resplendant banner; and heard of the great Republic, the "United States of America." But they will not be States united by their sovereign consent, but subjugated, if you succeed in that policy, and held by armed power. It will be a Union in name only, such as those of Poland to Russia, Hungary and Venetian Italy to Austria. It will not be that Union, neither in its history, purposes or principles, which was established in 1789, and whose record reaches to

1861. It will be, it must be, if the present policy of the Administration, as proclaimed by its leading supporters, should be triumphant, a gigantic consolidated despotism. Subjugation is seldom the result of war. There is not an instance of history of such a country as that which stretches from the Potomac to the Rio Grande, and from the Northern frontier of the revolted States, to the Gulf, and inhabited by such a large population of such a spirited and warlike race—the same composite race to which we belong, however different may have been the orignal and parent races—provided so abundantly with all the modern *material* of war, and defending a country which from its national adaptation to defense may be said to be, as Thucydides the ancient historian described Greece, "all armed with iron," *subjugated*. Is Poland, a little province in comparison with that of the Southern States, subjugated? The spirit of Kosciuzko, still "walks the Carpathian heights." Poland to-day is in arms! Is Hungary subjugated? She may be in arms to-morrow! Is Venetian Italy subjugated? The Empire of Austria has become bankrupt in its endeavors to hold them by armed power? Such a result would not be the Union! It would be the human form without the heart to give the pulsations of life, and the soul to give illustrations to that life, by all the elements of mental beauty. It would be a religion without a creed! It would be a temple without a God! Our armies may march from the Potomac to the Gulf of Mexico, and then without the consent of the people there will be, not only no Union, but no subjugation. The great Napoleon, and we have no Generals like him, marched through Spain, but he left every day a hostile country behind him. That wonderful man overthrew all Europe. He was at one time the Emperor, not merely of France, but of Europe.—He died, and the "map of Europe returned to its original place." Even the trophies of Rome were restored. The policy of subjugation, extermination and colinization, avowed by some, is an impossibility. Even if it were a possibility, such a result would be no honor to us, but to our historical infamy. But the views of those theorists, who behold the extermination of a race, the division of their estates among the courtiers, and the favorite Generals of the Administration, and the colonization of the lands of the South by the Northern soldiers, will never be realized.

The war will go on. The President has been invested with absolute power to prosecute it, and one party declares that it will support him, whatever may be his policy. But the map of the Union will return two years from now to its original place. I believe that it could be returned now, if the Administration with its armies in the field, would say to the suffering and mourning, but still the determined people of the South—"The North has but one policy—the restoration of the Union in its integrity, the provisions of the Constitution shall be enforced as to your institutions, and the rights of your States shall be inviolate." *The revolution can then be conquered.* Unless this be its policy, the glory of restoring the Union will be reserved for that party, whose history is that of the country in the days of its peace, prosperity and greatness, as well as its Union. But this may be compromise! It is an unhappy word in these days, when apostate followers of the "Prince of Peace" cry out, from the altar, "war to the knife, and the knife to the hilt." It was an unhappy word in this Room two years ago this month. I recollect, as though it were but yesterday, the reply made by the distinguished leader of the Republican party, of the Legislature, a gentleman of just and liberal tendencies, to the sneering opposition made by one of his political colleagues to the endorsement of the Crittenden resolutions. Two years of bloody civil war have not effaced that reply from my memory!

It was as follows:

"When the hurly burly's done,
When the battle is lost or won,

there must be compromise." Compromise is the result of all contests, unless there be subjugation, which is very rare. I beheld Napoleon III. start from the city of Paris to place himself at the head of the most magnificent army which ever trod the earth. He declared that "Italy shall be free, from the Alps to the Adriatic!" He won the battles of Magenta and Solferino. But as he looked upon the last battle-field and beheld its vast circumference crowded with the ghastly forms of his brave soldiers, he asked himself whether the repetition of such sanguinary contests were worth the anticipated result. He foresaw that the ultimate result of a contest with such a great military power as that of Austria, though all his battles might be victories, must be a compromise. In a tent on the hill of Villafranca a treaty was made for the future peace of Europe, as all the great contests of Europe have been compromised by treaties. I want a compromise upon the Constitution—one only which restores the Union. That result can, I confidently believe, be attained by a wise and just policy. I believe that the people of the South are tired of this fratricidal war. I do not mean the leaders, the contractors and generals, any more than their compeers at the North; but the people, who are fighting, as they believe, for their homes, and their property. The returned soldiers of our armies will tell you that those of the Southern armies desire peace, and say "with our two armies, we can conquer the world."

THE FUTURE.

Two hostile armies if the present policy of the Administration continues, and unless other agencies intervene, will, two years from last November, face each other. But armed revolution will dissolve as rapidly as the snow on the mountain tops at the first breath of summer, when it is whispered by the soldiers from the Northern lines across to the warriors of the Southern lines, of the great political revolution at the North, and that the reign of abolitionism is over. The reign of secession will then expire. And upon the ruins of despotism, both at the North and South, will be seen, as the clouds of war are dispelled by the purer political atmosphere, the Old Union, resting upon its ancient basis of the Constitution, and supported by the pillars of the States. Whatever may be the result of the contests which may intervene between now and then, whether they be lost or won, there will then be a compromise, which will be in the return of the people of both the North and South to their old fealty to the Constitution.

I frankly admit that I long for the morning which shall usher in the day of peace, and the restoration of the Union. When I read the violent denunciations of "peace" in the radical journals of the day, if I did not mix among the people, in the public thoroughfares, on the crowded marts and in the paths of daily life, I would be led to believe that the philosopher was right when he said that "peace is the dream of the wise, but war is the history of mankind." But however it may be in the other parts of the State, I know that the hearts of the people of the great metropolis, of which I have the

honor in part to represent, are throbbing for the faintest hope of peace with the restoration of the Union; and that their prayer is that the administration will adopt that policy which will ensure those results. The weapon of *intimidation* is being used against those who demand some other method of restoring the Union that that of the administration. It is the old weapon. "Intimidation," says Lord Brougham, "is the never-failing resource of the partisans of revolution in all ages." It is now not only the weapon of the revolutionists at the North, but of the contractors and place men who cluster around the Administration. The "Hartford Convention" has, as a threat upon me as an opponent of the present policy of the war, no effect. There is a difference in a foreign and a civil war—between that which meets a strange enemy on the field, of a different race, and speaking an unknown tongue, and that which is waged around our own hearthstones, and substitutes for the holy household gods the malignant furies of domestic hate and strife.

All the Democratic party asks, whatever may be the individual differences of its members, is that the Administration shall change its policy from that of a party, which is to-day in a minority in the "loyal States," to that of the people, and that if the war is to go on, it shall be, if it can be, for the restoration of the Union, and not for its destruction and the erection upon its ruins at the North of a consolidated despotism. Be assured of this however, that the Democratic party will not permit either the dissolution of the Union, nor the destruction of its forms, nor the violation of the two great assertions of the Constitution—the *Sovereignty of the Sta es* and *Personal Rights*. We believe that there are leading men in the councils of the nation, who, if they cannot succeed in their war policy, prefer a Northern Republic to the restoration of the Union. No matter how mighty and prosperous they may vision this Northern Republic to us, we will not permit them to bequeath the wealth of, divide the power of, and sacrifice the prestige of the Union between two distinct and antagonistic Republics. History repeats itself in parallels; and their fate will be written in a parallel to those who have attempted, but failed to reach the giddy heights of usurped power, or who, having scaled them, have been cast down by the giant form of revolution. I doubt sometimes whether the most flagrant conspirators who sit in the Senate House expect to be tried before the "tribunal of a free people," to be there adjudged by the inexorable laws of popular retributive justice.

The Democratic party will restore the Union, as it was able to preserve it. Upon its ensign is inscribed, even amid the storms of battle, the maxim—

Conciliation called the Union into being—simple and even-handed justice will preserve it forever.

In the spirit of that maxim the great men of the infant age of the Republic were imbued, and the words of which should be inscribed upon the walls of every legislature, as upon those of some of the courts of justice of England is inscribed the maxim of law and equity—*Audi alteram partem!* so that it "may be kept in perpetual remembrance." It has no sympathy with the barbaric war-cry, which resounded on the fertile plains of Italy centuries ago, and, in the triumph of those who uttered it, was only destruction, and who left no traces of civilization and State forms, and which is now the prevailing war-cry of the Republican party, the triumph of which will be a parallel in result to the triumph of the Gothic hordes—the *væ victis!* But in the spirit of the former, it will restore the Union of the States, and make it again the happiness, the pride and exultation of its people, and

Still a mark to guide the nations on,
Like a tall watch-tower flashing o'er the deep.

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